

SECOND REGULAR SESSION

# HOUSE BILL NO. 1495

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SEIGFREID.

Read 1<sup>st</sup> time January 16, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3794L.011

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### AN ACT

To repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to elections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 130.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.016, to read as follows:

130.016. 1. No candidate for statewide elected office, general assembly, judicial office other than municipal judge, or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than two hundred fifty dollars of the aggregate contributions received, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that the candidate does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than himself or herself, that aggregate more than two hundred [fifty] **seventy-five** dollars and that the total of all contributions received or expenditures made by the candidate and all committees or any other person with his knowledge and consent in support of his candidacy will not exceed five hundred dollars and that the aggregate of contributions received from any single contributor will not exceed two hundred fifty dollars. Such exemption statement shall be filed no later than the

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 date set forth in section 130.046 on which a disclosure report would otherwise be required if the  
18 candidate does not file the exemption statement. The exemption statement shall be filed on a  
19 form furnished to each appropriate officer by the executive director of the Missouri ethics  
20 commission. Each appropriate officer shall make the exemption statement available to  
21 candidates and shall direct each candidate's attention to the exemption statement and explain its  
22 purpose to the candidate; and

23 (2) The sworn exemption statement includes a statement that the candidate understands  
24 that records of contributions and expenditures must be maintained from the time the candidate  
25 first receives contributions or makes expenditures and that an exemption from filing a statement  
26 of organization or disclosure reports does not exempt the candidate from other provisions of this  
27 chapter. Each candidate described in subsection 1 of this section, who files a statement of  
28 exemption, shall file a statement of limited activity for each reporting period, described in  
29 section 130.046.

30 2. Any candidate who has filed an exemption statement as provided in subsection 1 of  
31 this section shall not accept any contribution or make any expenditure in support of the person's  
32 candidacy, either directly or indirectly or by or through any committee or any other person acting  
33 with the candidate's knowledge and consent, which would cause such contributions or  
34 expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section  
35 unless the candidate later rejects the exemption pursuant to [the provisions of] subsection 3 of  
36 this section. Any contribution received in excess of such limits shall be returned to the donor  
37 or transmitted to the state treasurer to escheat to the state.

38 3. If, after filing the exemption statement provided for in this section, the candidate  
39 subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of  
40 subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with  
41 the appropriate officer; however, such rejection shall not be filed later than thirty days before  
42 election. A notice of rejection of exemption shall be accompanied by a statement of organization  
43 as required by section 130.021 and any other statements and reports which would have been  
44 required if the candidate had not filed an exemption statement.

45 4. A primary election and the immediately succeeding general election are separate  
46 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this  
47 section shall apply to each election; however, if a successful primary candidate has correctly filed  
48 an exemption statement prior to the primary election and has not filed a notice of rejection prior  
49 to the date on which the first disclosure report applicable to the succeeding general election is  
50 required to be filed, the candidate shall not be required to file an exemption statement for that  
51 general election if the limitations set forth in subsection 1 of this section apply to the succeeding  
52 general election.

53           5. A candidate who has an existing candidate committee formed for a prior election for  
54 which all statements and reports required by this chapter have been properly filed shall be  
55 eligible to file the exemption statement as provided in subsection 1 of this section and shall not  
56 be required to file the disclosure reports pertaining to the election for which the candidate is  
57 eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of  
58 such existing candidate committee continue to comply with the requirements, limitations and  
59 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this  
60 subsection does not exempt a candidate or the treasurer of the candidate's existing candidate  
61 committee from complying with the requirements of subsections 6 and 7 of section 130.046  
62 applicable to a prior election.

63           6. No [nonpartisan] candidate for supreme court, circuit court, or associate circuit court,  
64 or candidate for political party office, or for county office or municipal office in a city of one  
65 hundred thousand or less, or for any special purpose district office shall be required to file an  
66 exemption statement pursuant to this section in order to be exempted from forming a committee  
67 and filing disclosure reports required of committees pursuant to this chapter if the aggregate of  
68 contributions received or expenditures made by the candidate and any other person with the  
69 candidate's knowledge and consent in support of the person's candidacy does not exceed one  
70 thousand dollars and the aggregate of contributions from any single contributor does not exceed  
71 two hundred fifty dollars. No candidate for any office listed in this subsection shall be excused  
72 from complying with the provisions of any section of this chapter, other than the filing of an  
73 exemption statement under the conditions specified in this subsection.

74           7. If any candidate for an office listed in subsection 6 of this section exceeds the limits  
75 specified in subsection 6 of this section, the candidate shall form a committee no later than thirty  
76 days prior to the election for which the contributions were received or expended which shall  
77 comply with all provisions of this chapter for committees.